

No.

200000089



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

*Asgrow Seed Company LLC*

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

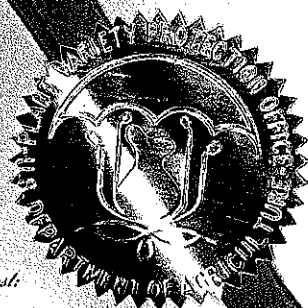
NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC FULFILLMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR PROPAGATING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

SOYBEAN

'AG4402'

*In Testimony Whereof, I have hereunto set my hand  
and caused the seal of the Plant Variety  
Protection Office to be affixed at the City of  
Washington, D.C. this twenty-fourth day of  
April, in the year of our Lord two thousand one.*

Attest:



*Alvin H. Fort*

Acting Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

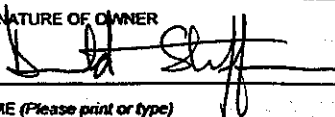
*[Signature]*  
Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE  
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426)

<b>1 NAME OF OWNER</b> Asgrow Seed Company LLC		<b>2 TEMPORARY DESIGNATION OR EXPERIMENTAL NAME</b> AGB45702	<b>3 VARIETY NAME</b> AG4402
<b>4 ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)</b> 634 East Lincoln Way Ames IA 50010		<b>5 TELEPHONE (include area code)</b> 515-232-7170	<b>FOR OFFICIAL USE ONLY</b> PVP NO. 000000089 FILING DATE 12/9/1999
		<b>6 FAX (include area code)</b> 515-956-6905	
<b>7 IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.)</b> Corporation	<b>8 IF INCORPORATED, GIVE STATE OF INCORPORATION</b> Delaware	<b>9 DATE OF INCORPORATION</b> March 22, 1968	
<b>10 NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION (First person listed will receive all papers)</b> Donald Steffen Asgrow Seed Company LLC 634 East Lincoln Way Ames IA 50010			<b>FILING AND EXAMINATION FEES:</b> \$ 2450.00 DATE 12/9/1999 <b>CERTIFICATION FEE:</b> \$ 320.00 DATE 4-6-01
<b>11 TELEPHONE (Include area code)</b> 515-956-3002	<b>12 FAX (Include area code)</b> 515-956-6905	<b>13 E-MAIL</b> donald.e.steffen@monsanto.com	<b>14 CROP KIND (Common Name)</b> Soybean
<b>15 GENUS AND SPECIES NAME OF CROP</b> Glycine max		<b>16 FAMILY NAME (Botanical)</b> Leguminosae	<b>17 IS THE VARIETY A FIRST GENERATION HYBRID?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<b>18 CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)</b> a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$2,450), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		<b>19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 83(a) of the Plant Variety Protection Act</b> <input type="checkbox"/> YES (If "yes", answer items 20 and 21 below) <input checked="" type="checkbox"/> NO (If "no," go to item 22)	
<b>22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		<b>20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?</b> <input type="checkbox"/> YES <input type="checkbox"/> NO	
		<b>21 IF "YES" TO ITEM 20, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?</b> <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
<b>24 The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.</b> The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.		<b>23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	
		<b>SIGNATURE OF OWNER</b>  <b>NAME (Please print or type)</b> Donald Steffen	
<b>CAPACITY OR TITLE</b> Regulatory Affairs Mgr.		<b>DATE</b> 10/15/1999	

ASGROW SEED COMPANY LLC  
PVP APPLICATION - AG4402  
October 1999

EXHIBIT A

ORIGIN AND BREEDING HISTORY OF AG4402

- 1992 Cross RP931206B94-21822 was made near Isabela, Puerto Rico.  
Parentage: A4539\*A4341\*A4138\*40-3-2
- 1993-4 F1 & F2 generations were grown near Isabela, Puerto Rico and advanced  
using modified pedigree selection.
- 1995 F3 Bulk Populations were grown near Isabela, Puerto Rico and single  
plants pulled.
- 1995-6 F3 derived F4 plants were grown in Ridgeway, Indiana in progeny rows, and row  
RP931206B94-21822 was selected based on agronomic characteristics.
- 1996 F3:5 RP931206B94-21822 was entered in a yield test at 3 locations in the  
upper Midwest, where it placed 3<sup>rd</sup> of 50 entries.
- 1996 F3:6 RP931206B94-21822 was entered in a yield test at 9 locations in the  
upper Midwest, where it placed 1<sup>st</sup> of 40 entries.

AG4402 is uniform and stable within commercially acceptable limits based on trial observations since 1996. As with any other soybean variety, variants can occur for almost any characteristic during the course of repeated sexual reproduction.

ASGROW SEED COMPANY LLC  
PVP APPLICATION - AG4402  
October 1999

EXHIBIT B

Novelty Statement Concerning AG4402 Soybean

To our knowledge, the soybean varieties that closely resemble AG4402 are A4539, AG4501, and A4604:

1. Flower color	AG4402	- Purple
	A4539	- White
	AG4501	- Purple
	A4604	- Purple
2. RRT <sup>TM</sup> gene (Tolerance to glyphosate herbicide)	AG4402	- Present
	A4539	- Absent
	AG4501	- Present
	A4604	- Absent
3. Pubescence color	AG4402	- Tawny
	A4539	- Gray
	AG4501	- Tawny
	A4604	- Tawny
4. PRR gene (Tolerance to Phytophthora Root Rot)	AG4402	- Rps1k
	A4539	- rps
	AG4501	- rps
	A4604	- rps
5. STS <sup>TM</sup> gene (Resistance to sulfonylurea herbicides)	AG4402	- Absent
	A4539	- Absent
	AG4501	- Present
	A4604	- Present

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this collection of information is (0581-0055). The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact the USDA's TARGET Venter at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14<sup>th</sup> and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705

EXHIBIT C  
(Soybean)

**OBJECTIVE DESCRIPTION OF VARIETY**  
**SOYBEAN (*Glycine max* (L.) Merr.)**

NAME OF APPLICANT(S)	FOR OFFICIAL USE ONLY
<b>Asgrow Seed Company LLC</b>	PVPO NUMBER
ADDRESS (Street and No., or R.F.D. No., City, State, and Zip Code)	VARIETY NAME
<b>634 East Lincoln Way Ames IA 50010</b>	<b>AG4402</b>
	TEMPORARY DESIGNATION
	<b>AGB45702</b>

PLEASE READ ALL INSTRUCTIONS CAREFULLY: Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box (e.g.    or   ) when number is either 99 or less 9 or less respectively. Data for quantitative plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used:

Please answer all questions for your variety; lack of response may delay progress of your application.

**A. MORPHOLOGY**

**Seed Shape:**

<input type="text"/> 2	1 = Spherical (L/W, L/T, and T/W ratios - <1.2)	2 = Spherical Flattened (L/W ratio >1.2; L/T ratio = <1.2)
	3 = Elongate (L/T ratio >1.2; T/W = <1.2)	4 = Elongate-Flattened (L/T ratio >1.2; T/W >1.2)

**Seed Coat Color:**

<input type="text"/> 1	1= Yellow	2= Green	3= Brown	4= Black	5= Other
	( Please Specify )				

**Seed Coat Luster:**

<input type="text"/> 1	1= Dull	2= Shiny
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**Seed Size:**

<input type="text"/> 1	<input type="text"/> 8	grams/100 seeds
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**Hilum Color:**

<input type="text"/> 6	1= Buff	2= Yellow	3= Brown	4= Gray	5= Imperfect Black
	6= Black	7= Other ( Please Specify )			

**Cotyledon Color:**

<input type="text"/> 1	1 = Yellow	2 = Green
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4

**A. MORPHOLOGY** *Continued***Seed Protein Peroxidase Activity:**

☐ 1 = Low 2 = High

**Hypocotyl Color:**

☐ 1 = Green  
Evans' or 'Davis'

2 = Green with Bronze  
Bands below Cotyledon  
Woodworth' or 'Tracy'

3 = Light Purple  
below Cotyledons  
'Beeson' or 'Pickett 71'

4 = Dark Purple extending to  
unifoliate leaves ('Hodgson',  
'Coker', or 'Hampton 266A')

**Leaf Shape:**

☐ 3 1 = Lanceolate 2 = Oval 3 = Ovate 4 = Other (Please Specify) \_\_\_\_\_

**Flower Color:**

☐ 1 1 = White 2 = Purple 3 = White with a Purple Throat

**Pod Color:**

☐ 1 1 = Tan 2 = Brown 3 = Black

**Pubescence Color:**

☐ 2 1 = Gray 2 = Brown (Tawny) 3 = Light Tawny

**Plant Habit:**

☐ 3 1 = Determinate 2 = Semi-Determinate 3 = Indeterminate 4 = Intermediate

**B. DISEASE REACTIONS**

0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant

**Bacterial**

☐ 0 Bacterial Pustule (*Xanthomonas campestris* pv. *glycines* (Nakano) Dye)

☐ 0 Bacterial Blight (*Pseudomonas syringae* pv. *glycinea* (Coerper) Young, Dye & Wilkie)

☐ 0 Wildfire Blight (*Pseudomonas syringae* pv. *tabaci* (Wolf & Foster) Young, Dye & Wilkie)

**Fungal**

☐ 0 Brown Spot (*Septoria glycines* Hemmi)

Frogeye Leafspot (*Cercospora sojina*)

☐ 0 race 1 ☐ 0 race 2 ☐ 0 race 3 ☐ 0 race 4

☐ 0 race 5 ☐ 0 race 6 ☐ 0 Other (Please Specify) \_\_\_\_\_

☐ 0 Target Spot (*Corynespora cassiicola* (Berk. & Curt.) Wei)

☐ 0 Downy Mildew (*Peronospora trifoliorum* var. *manshurica* (Naum.) Syd. Ex Gaum)

**B. DISEASE REACTIONS** *(Continued)*    0 = Not Tested    1 = Susceptible    2 = Resistant    3 = Tolerant

- Powdery Mildew (*Microsphaera diffusa* Cke. & Pk.)
- Brown Stem Rot (*Phialophora gregata* (Allington & Chamberlain) W. Gams.)
- Stem Canker (*Diaporthe phaseolorum* (Cke. & Ell.) Sacc. var. *caulivora* Athow & Caldwell)
- Pod and Stem Blight (*Diaporthe phaseolorum* (Cke. & Ell.) Sacc. var. *sojae* (Lehman) Wehm.)
- Purple Seed Stain (*Cercospora kikuchii* (T. Matsu. & Tomoyasu) Gardener)
- Rhizoctonia Root rot (*Rhizoctonia solani* Kuhn)

**Phytophthora Rot** (*Phytophthora megasperma* Drechs. f. sp. *glycinea* (Kuan & Erwin))

<input type="text" value="2"/>	race 1	<input type="text" value="2"/>	race 8	<input type="text" value="2"/>	race 15	<input type="text" value="2"/>	race 22
<input type="text" value="2"/>	race 2	<input type="text" value="2"/>	race 9	<input type="text" value="1"/>	race 16	<input type="text" value="1"/>	race 23
<input type="text" value="2"/>	race 3	<input type="text" value="2"/>	race 10	<input type="text" value="2"/>	race 17	<input type="text" value="2"/>	race 24
<input type="text" value="2"/>	race 4	<input type="text" value="2"/>	race 11	<input type="text" value="2"/>	race 18	<input type="text" value="1"/>	race 25
<input type="text" value="2"/>	race 5	<input type="text" value="1"/>	race 12	<input type="text" value="1"/>	race 19	<input type="text" value="0"/>	race 26
<input type="text" value="2"/>	race 6	<input type="text" value="2"/>	race 13	<input type="text" value="1"/>	race 20	<input type="text" value="0"/>	race 27
<input type="text" value="2"/>	race 7	<input type="text" value="2"/>	race 14	<input type="text" value="1"/>	race 21	<input type="text"/>	Other (Please Specify) _____

- Bud Blight ( Tobacco Ringspot Virus)
- Yellow Mosaic ( Bean Yellow Mosaic Virus)
- Cowpea Mosaic ( Cowpea Chlorotic Virus)
- Pod Mottle ( Bean Pod Mottle Virus)
- Seed Mottle ( Soybean Mosaic Virus)

**Nematode**

**Soybean Cyst Nematode** (*Heterodera glycines* Ichinohe)

<input type="text" value="0"/>	race 1	<input type="text" value="2"/>	race 3	<input type="text" value="0"/>	race 6	<input type="text" value="2"/>	race 14 (former r. 4)
<input type="text" value="0"/>	race 2	<input type="text" value="0"/>	race 5	<input type="text" value="0"/>	race 9	<input type="text"/>	Other (Please Specify) _____

- Lance Nematode (*Hoplolaimus colymbus* Sher)
- Southern Root Knot Nematode (*Meloidogyne incognita* (Kofoid & White) Chitwood)
- Northern Root Knot Nematode (*Meloidogyne hapla* Chitwood)

**B. DISEASE REACTIONS (Continued)** 0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant

- Peanut Root Knot Nematode (*Meloidogyne arenaria* (Neal) Chitwood)
- Reniform Nematode (*Rotylenchulus reniformis* Linwood & Olivera)
- Javanese Nematode (*Meloidogyne javanica* (Treud) Chitwood)
- Other Nematode (Please Specify) \_\_\_\_\_

**C. PHYSIOLOGICAL RESPONSES** 0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant

- Iron Chlorosis on Calcareous Soil
- Phosphorus
- Boron
- Aluminum
- Salt
- Drought
- Other (Please Specify) \_\_\_\_\_

**D. INSECT REACTIONS** 0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant

- Mexican Bean Beetle (*Epilachna varivestis* Mulsant)
- Potato Leaf Hopper (*Empoasca fabae* (Harris))
- Other (Please Specify) \_\_\_\_\_

**E. HERBICIDE REACTIONS** 0 = Not Tested 1 = Susceptible 2 = Resistant

- Metribuzin
- Bentazone
- Sulfonylurea
- Glyphosate
- Glufosinate
- Pendimethalin
- Other (Please Specify) \_\_\_\_\_

**F. TRANSGENIC COMPOSITION**

Has the development of the Subject Variety included the insertion or removal of genetic material?

☐

Yes

☒

No

If yes, please complete the following information requests\*. Use additional pages if necessary.



**F. TRANSGENIC COMPOSITION***(Continued)*

1. Please state the vector's name:
  2. Please state the vector components:
  3. Please describe the genetic material successfully transferred into the Subject Variety:
  4. Please describe the insertion protocol:
- \* A literature citation(s) explaining the four information requests above may be an acceptable alternative to completion of the "Transgenic Composition" portion of this form.

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**G. BIOCHEMICAL MARKERS**

Please describe any biochemical information here which you believe will be helpful in further describing the Subject Variety (e.g. Sim Sequence Repeats, Random Fragment Length Polymorphisms, Isozymic Characterization). Use additional pages if necessary.

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**H. COMMENTS**

ASGROW SEED COMPANY LLC  
PVP APPLICATION - AG4402  
October 1999

## EXHIBIT D

### Additional Description of AG4402 Soybean

AG4402 is a mid maturity group IV variety with resistance to Roundup<sup>™</sup> herbicide . It has very high yield potential. It has superior yields to lines of similar maturity and has excellent agronomic characteristics, including good lodging resistance. . In tests, it has beat Asgrow A4341 by 103 % overall, winning at 6 of 9 locations. It has a major gene for Phytophthora resistance, Rps1k, conferring resistance to most races of Phytophthora Root Rot. AG4402 would be grown in the mid Group IV growing areas of the corn belt, including Illinois, Indiana, and Missouri. It has only average appearance.

ASGROW SEED COMPANY LLC  
PVP APPLICATION - AG4402  
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EXHIBIT E

Statement of Basis of Applicant Ownership

AG4402 was originated and developed by Mr. Mark Buettner, an Asgrow soybean breeder. By agreement with Asgrow Seed Company LLC, all rights to any invention, discovery or development made by employees are assigned to the company. No rights of such invention, discovery or development are returned to the employee.

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE**EXHIBIT E**  
**STATEMENT OF THE BASIS OF OWNERSHIP**

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1. NAME OF APPLICANT(S)  Asgrow Seed Company LLC	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER  AGB45702W	3. VARIETY NAME  AG4402
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country)  634 E. Lincoln Way Ames IA 50010	5. TELEPHONE (include area code)  515-232-7170	6. FAX (include area code)  515-232-6905
	7. PVPO NUMBER  200000089	

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain. ☒ YES ☐ NO9. Is the applicant (individual or company) a U.S. national or U.S. based company?  
If no, give name of country ☒ YES ☐ NO10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. national(s)?

☐ YES ☐ NO If no, give name of country

b. If original rights to variety were owned by a company(ies), is(are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (if needed, use reverse for extra space):

**PLEASE NOTE:**

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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